

SEVENTH DISTRICT COURT OF APPEALS
Civil Docketing Statement

Vernie L. Davenport, Jr.)	Appeals Case No. _____
)	
Plaintiff-Appellant,)	Trial Court Case No. 07 C 50246
)	
v.)	Trial Court Judge: Honorable Judge Kapala
)	
State of Illinois,)	
Judge Michael Mallon,)	
Judge Stephen Pemberton, and)	
Ogle County, Illinois Circuit Clerk)	
Defendants-Appellees)	

FILED

APR 10 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Lead counsel for each plaintiff:

(Attach sheet to identify additional parties & counsel)

Lead counsel for each defendant:

(Attach sheet to identify additional parties & counsel)

Name/Reg. No: Vernie L. Davenport, Jr.
Firm Name: (none)
Address: 132 Jeffery Avenue
Rochelle, Illinois 61068-9705

Name/Reg. No.: Kevin Lovellette
Firm Name: Office of Illinois Attorney General
Address: 100 W. Randolph Street, 13th Floor
Chicago, IL 60601

Phone No. 601-868-0372

Phone No. 312-814-3720

Fax No. (none)

Fax No.

Date Notice of Appeal Filed April 10, 2008 File Date of Order being Appealed March 12, 2008

If applicable:

Date & type of motion(s) per App. R. 4(B)(2) filed _____

Date of Order resolving motion(s) _____

Date docket record shows notice of final order mailed by clerk _____

Is a transcript of proceedings to be filed? ☐ Yes ☒ No

Does appeal involve:

☐ Summary Judgment ☒ Motion to Dismiss ☐ Grant/vacate default judgment ☐ N/A

Is Oral Argument requested? ☐ Yes ☒ No

Must this case be expedited as being one of the following types - ☐ Yes ☐ No ☒

Appeal brought by minor child (R.C. 2505.073 & Appellate Rule 11.2)

☐ Appeal from an order granting or denying adoption or permanently terminating parental rights (Appellate Rule 11.2)

☐ Appeal regarding an order concerning a dependent, abused, neglected, unruly or delinquent child (Appellate Rule 11.2)

☐ Appeal involving matters of child custody, allocation of parental rights or responsibilities, or designation of a child's place of residence and legal custodian under (R.C. 3109.04(H) and 3109.06.)

☐ Juvenile Rule 22(F) Appeal

☐ Other:

Final appealable order:

(a) Has the trial court disposed of all claims by and against all parties?

☒ Yes. **Attach all judgments/orders resolving all claims against all parties.**

☐ No.

(b) If the answer to (a) is "no" has the trial court made an express determination that there is , "no just reason for delay," per Civ. R. 54(B), with respect to the judgment/order from which the appeal is taken?

☐ Yes, in the same judgment or order.

☐ Yes, in a subsequent order dated _____. **Attach subsequent order.** ☐

☐ No.

(c) Is the judgment/order subject to interlocutory appeal per R.C. 2505.02 (check all that apply)? ☐ Yes. The order affects a substantial right in an action and prevents a judgment. R.C. 2505.02(B)(1)

☐ Yes. The order was made in a special proceeding. R.C. 2505.02(B)(2).

☐ Yes. The order grants or denies a provisional remedy and meets the other criteria of R.C. 2505.02(B)(4).

☐ Yes. The order determines that an action may or may not be maintained as a class action. See R.C. 2505.02(B)(5).

☐ No.

(d) Does the right to an immediate appeal arise from a statute other than R.C. 2505.02?

☒ Yes. Identify statute: 28 U.S.C. §1291

☐ No.

NATURE OF CASE

<input type="checkbox"/> Original action	<input checked="" type="checkbox"/> General Civil Appeal	<input type="checkbox"/> Domestic Relations
<input type="checkbox"/> Juvenile	<input type="checkbox"/> Contract	<input type="checkbox"/> Declaratory Judgment
<input type="checkbox"/> Probate	<input type="checkbox"/> Medical Malpractice	<input type="checkbox"/> Administrative Appeal
<input type="checkbox"/> Personal Injury	<input type="checkbox"/> Other, specify _____	

Was a stay of execution sought in the trial court? ☐ Yes ☒ No If Yes: granted/appealed/denied.

Is a stay request being filed with this court? ☐ Yes. ☒ No.

Have the parties to this appeal been parties to a previous appeal filed in this court?

☒ Yes ☐ No. If yes, please cite the case(s) 08-1819.

Do you know of another case(s) pending before this court or recently decided by this court which raises the same issue? ☐ Yes. ☒ No. If yes, please cite the case(s).

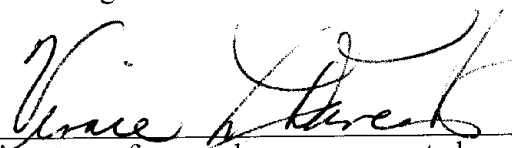
Summary Probable issues for review:

1. Circuit Court lack of jurisdiction
2. Lack of fair and unbiased tribunal
3. _____
4. _____

Does the appeal turn on an interpretation or application of a particular case(s) or statute(s)?
☒ Yes. ☐ No. If yes, please cite the case(s) and/or statute(s). Tumey v Ohio, 273 U.S. 510 (1927) (impartial judge), Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828) (void judgment), Pennoyer v. Neff, 95 U.S. 714, 732-733 (1878) (void judgment), and Old Wayne Mut. L. Assoc. v. McDonough, 204 U.S. 8 (void judgment challengeable in any court).

CERTIFICATION

I certify that the information provided on this docketing statement is accurate.



Signature of counsel or unrepresented party

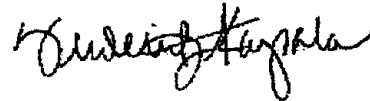
Order Form (01/2005)

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Frederick J. Kapala	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 50246	DATE	3/12/2008
CASE TITLE	Davenport vs. State of Illinois, et al.		

DOCKET ENTRY TEXT:

Defendants' motion to dismiss [8] is granted. This case is closed.



Docketing to mail notices.

☐ [For further details see text below.]

STATEMENT

Plaintiff, Vernie L. Davenport, proceeding pro se, brings this action pursuant to 28 U.S.C. § 1983 against defendants the State of Illinois, Judge Michael T. Mallon, Judge Stephen C. Pemberton, and the Ogle County Circuit Clerk, in their official capacities. In his complaint, plaintiff alleges that Judge Pemberton's rulings in a state court case violated his constitutional rights to procedural due process, to a fair and impartial trial, and to the equal protection of the law. Plaintiff seeks declaratory and injunctive relief from Judge Pemberton's orders.

Defendants have moved to dismiss the complaint on various grounds, including lack of subject-matter jurisdiction based on the Rooker-Feldman doctrine.¹ Under the Rooker-Feldman doctrine, a federal district court lacks jurisdiction over "cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." Exon Mobile Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 284 (2005); see also Sides v. City of Champaign, 496 F. 3d 820, 824 (7th Cir. 2007) ("[O]nly the Supreme Court of the United States may set aside a judgment entered by a state court."). Among plaintiff's requests for relief is that this court "[d]eclare that the State of Illinois and the Ogle County Circuit Clerk shall reverse, or cause to be reversed, changes to the Ogle County court docket caused, directly or indirectly, by Judge Pemberton's letter of November 14, 2007." Because plaintiff's complaint alleges injuries caused by a state-court judgment and seeks an order rejecting those judgments, the Rooker-Feldman doctrine is implicated and this court lacks subject-matter jurisdiction. Consequently, defendants' motion to dismiss is granted.

1. See Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923); D.C. Court of Appeals v. Feldman, 460 U.S. 462 (1983).

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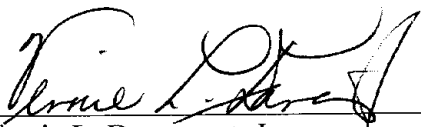
APR 10 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

NOTICE OF FILING

To: Kevin Lovellette
Assistant Attorney General
Office of the Attorney General
100 W. Randolph St., 13th Floor
Chicago, IL 60601

PLEASE TAKE NOTICE that on Thursday, 10th day of April, 2008, I filed in the United States District Court for the Northern District of Illinois, Eastern Division, at 211 S. Court Street, Rockford, Illinois 61101 the attached **Civil Docketing Statement** and **Transcript Information Sheet**.



Vernie L. Davenport, Jr.
132 Jeffery Avenue
Rochelle, IL 61068-9705
Area Code 601-868-0372

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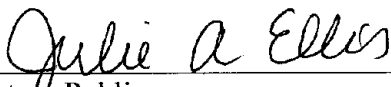
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AFFIDAVIT

I, Vernie L. Davenport, Jr., on oath, deposes and says that I have served **PLAINTIFF'S Civil Docketing Statement** and **Transcript Information Sheet** to Kevin Lovellette on this 10th day of April, 2008 by U. S. Mail delivery.


Vernie L. Davenport, Jr.

SUBSCRIBED AND SWORN TO before
me this 10th day of April, 2008


Notary Public

